

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RALPH T. UTTERBACK,

Plaintiff,

vs.

Civ. No. 99-1393 MV/WWD

NATIONAL RAILROAD PASSENGER CORPORATION
d/b/a AMTRAK,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Amtrak's Motion to Compel Responses to Its First Set of Interrogatories and Requests for Production (Docket # 22) filed July 24, 2000. I find that there was no good faith attempt by Defendant to resolve the differences between the parties. Simply making a written demand on opposing counsel does not suffice. Additionally, without setting out the excruciating detail contained in many of the interrogatories to which answers are sought, I find that the overall approach used by Defendant is one of harassment and that the interrogatories are overly numerous, burdensome, and oppressive. Because of this I will not lend the power of the Court to what I deem to be a misguided and over zealous approach to the discovery process. Defendant has given us an excellent example of why most lawyers, judges, and litigants think that discovery abuses are one of the most serious problems we face in civil practice. Notwithstanding my negative reaction to Defendant's approach to discovery, I do not condone what seems to be a recalcitrant reaction on the part of Plaintiff. The time and expense wasted by the parties in the practices evidenced in this discovery matter reflect discredit on our system of

civil litigation. The parties will be given the opportunity to rectify what is a bad beginning in this law suit. Any question of sanctions shall be deferred.

WHEREFORE,

IT IS ORDERED that on or before August 7, 2000, Defendant shall serve on Plaintiff an Amended First Set of Interrogatories and Requests for Production.

IT IS FURTHER ORDERED that on or before August 31, 2000, Plaintiff shall serve on Defendant his responses to the aforementioned discovery.

IT IS FURTHER ORDERED that Plaintiff shall send directly to the undersigned the aforementioned responses which shall include each interrogatory or production request before the respective response to that inquiry or request.


UNITED STATES MAGISTRATE JUDGE